

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

HAWAII FIREARMS COALITION)	
3018 Hinano Street)	
Honolulu, HI 96815)	COMPLAINT
)	(Freedom of Information
)	Act, 5 U.S.C. §552)
Plaintiff,)	
)	CIVIL ACTION NO. _____
v.)	
)	
FEDERAL BUREAU OF INVESTIGATION))	
J. Edgar Hoover Building)	
935 Pennsylvania Avenue, N.W.)	
Washington, D.C. 20535)	
)	
Defendant.)	
_____)	

Comes now the Plaintiff, Hawaii Firearms Coalition (“HIFICO”), by and through undersigned counsel, and allege as follows:

1. This is an action under the Freedom of Information Act, 5 U.S.C. § 552, for injunctive and other appropriate relief and seeking the disclosure and release of agency records improperly withheld from Plaintiff by Defendant Federal Bureau of Investigation (“FBI”).

JURISDICTION AND VENUE

2. This Court has jurisdiction over this matter pursuant to 28 U.S.C. §1331 and 5 U.S.C. §552(a)(4)(B).

3. Venue lies in this district under 28 U.S.C. §1391(e).

PARTIES

4. Plaintiff Hawaii Firearms Coalition is a 501(c)(4) organization founded to protect and unify Hawaii's firearms owners and those that believe in the constitutionally protected right to keep and bear arms.

5. Defendant FBI is a component of the Department of Justice and an agency within the meaning of 5 U.S.C. § 552(f). Defendant FBI has possession, custody and control of records to which Plaintiff seeks access.

STATEMENT OF FACTS

6. On April 2, 2019 Plaintiff transmitted a Freedom of Information Act ("FOIA") request to Defendant FBI. The FOIA was submitted via the FBI's eFOIPA Portal. A true and correct copy of the FOIA is attached as Exhibit "A."

7. The FOIA sought the following information:

- a. Any and all records, including but not limited to documents, any communications, electronic mail, letters, official requests, and correspondence from the FBI (or any sub-agency) to the State of Hawaii and/or any representative of the State of Hawaii, regarding and/or relating to Rap Back for firearm owners, possessors, and registration of firearm owners in the Rap Back system in the State of Hawaii; and

- b. Any and all records documenting all payments from the State of Hawaii to the FBI related to firearm owner registration with Rap Back;
- c. Any and all records or documents regarding the FBI's participation in the State of Hawaii's implementation of Rap Back related to firearm owners, purchasers or registrants in the State of Hawaii; and
- d. Any and all documents regarding any policies that the FBI (or any sub-agency) possesses with regards to Hawaii's use of Rap Back for firearms owners.

8. The FBI failed to respond to the FOIA as required by law in the timeframe required, and as such, Plaintiff is deemed to have exhausted its administrative remedies.

9. Plaintiff additionally requested a fee waiver as the materials requested "are greatly in the public interest and because the requested records will be distributed free of charge on the internet and will increase the public's awareness of the State of Hawaii's implementation of Rap Back for firearms owners."

10. The FBI has not responded, and thus, a fee waiver should be granted to HIFICO.

COUNT I
(Violation of FOIA - 5 U.S.C. §552 Against FBI)

11. Plaintiff realleges the previous paragraphs as if fully stated herein.

12. Defendant FBI is unlawfully withholding records requested by Plaintiff pursuant to 5 U.S.C. §552.

13. Plaintiff is being irreparably harmed by reason of Defendant's unlawful withholding of records responsive to Plaintiff's FOIA request, and Plaintiff will continue to be irreparably harmed unless Defendant FBI is compelled to conform their conduct to the requirements of the law.

WHEREFORE, Plaintiff respectfully requests that the Court:

(1) Order Defendant to conduct a search for any and all responsive records to Plaintiff's FOIA request and demonstrate that it employed search methods reasonably likely to lead to the discovery of records responsive to Plaintiff's FOIA request;

(2) Order Defendant to produce, by a date certain, any and all non-exempt records to Plaintiff's FOIA request, and a *Vaughn* index of any responsive records withheld under claim of exemption;

(3) Enjoin Defendant from continuing to withhold any and all non-exempt records responsive to Plaintiff's FOIA request;

(4) Grant Plaintiff an award of attorneys' fees and other litigation costs reasonably incurred in this action pursuant to 5 U.S.C. §552(a)(4)(E); and

(5) Grant Plaintiff such other relief as the Court deems just and proper.

Dated: May 1, 2019.

Respectfully Submitted,

Hawaii Firearms Coalition

/s/ Stephen D. Stamboulieh

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